

Appl. No. 09/942,352
Amdt. dated September 22, 2006
Reply to final Office action of July 27, 2006

REMARKS/ARGUMENTS

Applicant has received the final Office action dated July 27, 2006, in which the Examiner: 1) rejected claims 19-27 and 64-71 under 35 U.S.C. § 103(a) as being unpatentable over Cedillo (U.S. Pat. No. 6,364,439, hereinafter "Cedillo") in view of Swinger (U.S. Pat. No. 6,349,825, hereinafter "Swinger") in view of JP411229687 (hereinafter "JP '687") in view of Gennaro (U.S. Pat. No. 6,317,834, hereinafter "Gennaro"); 2) rejected claims 41-51 under 35 U.S.C. § 102(e) as being anticipated by Gennaro in view of Lee (U.S. Pat. No. 5,742,683, hereinafter "Lee") in view of Cedillo; and 3) allowed claims 28-40.

With this Response, Applicant has amended claims 19, 41 and 64. Claims 19-22, 23-38, 40-51 and 64-71 are pending. Based on the amendments and arguments contained herein Applicant respectfully requests reconsideration and allowance of the pending claims. Applicant appreciates allowance of claims 28-40.

I. § 103 REJECTIONS

Amended claim 19, in part, requires a "lock [that] prevents the computer component from being removed from the computer system unless the control unit authenticates biometric data received from the biometric sensor and obtains the first access code from the registry." Claim 19 further requires "logical access to the computer component is prevented unless the control unit authenticates biometric data received from the biometric sensor and obtains the second access code." Claim 19 further requires "the first access code enables physical access to the computer component, but not logical access" and "the second access code enables logical access to the computer component, but not physical access."

None of the references cited by the Examiner, considered individually or together, teach or suggest a "first access code [that] enables physical access to the computer component, but not logical access" and a "second access code [that] enables logical access to the computer component, but not physical access" as set forth in claim 19. Furthermore, the Examiner relies upon a foreign abstract. The M.P.E.P. explicitly states that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away

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from the claimed invention. M.P.E.P. § 2141.02 (citing *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 220 U.S.P.Q. 303 (Fed. Cir. 1983)). "It is impermissible within the framework of section 103 to pick and chose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." *In re Wesslau*, 147 U.S.P.Q. 391, 393 (C.C.P.A. 1965) (emphasis added). Accordingly, it is improper for the Examiner to rely on the abstract rather than the underlying document itself, particularly in the case of foreign language references. See *Ex parte Jones*, 62 U.S.P.Q.2d 1206 (PTO Bd. App. 2001) (unpublished). For at least these reasons, claim 19 and its dependent claims are allowable.

Amended claim 41, in part, requires "a control unit coupled to said plurality of biometric sensors, said control unit selectively controlling logical access and physical access to the plurality of computer devices in said computer system based on signals from one or more of said biometric sensors." Claim 41 further requires "the control unit selectively enables a first user to have logical access to at least one of the computer devices, but not physical access" and "the control unit selectively enables a second user to have physical access to at least one of the computer devices, but not logical access." None of the references cited by the Examiner, considered individually or together, teach or suggest the above limitations. For at least this reason, claim 41 and its dependent claims are allowable.

Amended claim 64, in part, requires "the control unit selectively controls the lock to allow physical removal of a server based on data received from the biometric sensor" and "the control unit selectively controls logical access to the server based on data received from the biometric sensor. Claim 64 further requires "the control unit selectively enables a first user to have logical access to the server, but not physical access" and "the control unit selectively enables a second user to have physical access to the server, but not logical access." None of the references cited by the Examiner, considered individually or together, teach or suggest the above limitations. Furthermore, the Examiner improperly relies

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upon a foreign abstract. For at least these reasons, claim 64 and its dependent claims are allowable.

II. CONCLUSIONS

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,


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